IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 1187 OF 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
MINOR MANUBHAI - THROUGH GUARDIAN RAMANBHAI NATHUBHAI & ANR. - Respondent

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Appearance :
Ms. Maya Desai for Appellant(s).
Shri B.B. Naik for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 23/07/2007

ORAL JUDGMENT

The Gujarat State Road Transport Corporation, being

aggrieved by the award dated 3rd January, 1986 passed by the learned Motor Accident Claims Tribunal, Valsad at Navsari in M.V. Petition No.9 of 1985, is before this Court with a submission that the learned Tribunal below was unjustified in holding the driver guilty and consequently, also erred in passing the liability on the head of the present appellant.

2. It is to be noted that a young boy, when was crossing the road, was knocked down by the bus, the accident resulted into number of injuries, one of which led to amputation of his leg below thigh. The question of quantum has not been raised before this Court, but, the submission is that the learned Tribunal below had no evidence to record the findings of rashness and negligence against the driver.

3. In paragraph-7 of the judgement, the learned Tribunal below has referred to the order passed in Criminal Case No.6724 of 1984 by the Court of the learned Judicial Magistrate (First Class), Valsad. In the said matter, the charges imposed against the accused were relating to rash and negligent driving leading to grievous injuries. The accused of the said case, i.e. driver of the bus, pleaded guilty. Placing reliance upon the said admission/confession, the learned Tribunal below convicted the accused-driver.

4. Once a person makes an admission before the competent

Court and on the basis of such admission, he receives some or the other sentence and the order remains unchallenged, then, the admission would bind the person who had made it. In the present case, the driver has not provided any explanation as to why he made such admission. Under the circumstances, the admission would bind the driver and would consequently, make the present appellant liable.

5. The appeal deserves to and is, accordingly, dismissed. Interim relief, if any, stands vacated. No costs.

[R.S.Garg, J.]

*kamlesh**